

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

FILED
HARRISBURG, PA

MAY 12 2008

United States of America)

v.)

HOWARD A. BURKE)

Case No: 1:CR-00-023-002

USM No: 60231-004

Heide R. Freese, Assistant Public Defender

Defendant's Attorney

Date of Previous Judgment: Jan. 3, 2001
(Use Date of Last Amended Judgment if Applicable)MARY E. D'ANDREA, CLERK
Deputy Clerk

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months is reduced to 120 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 135 to 168 monthsAmended Guideline Range: 120 to 135 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

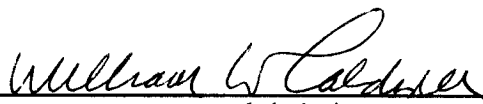
The bottom of the amended guideline range is the statutory minimum sentence Defendant must serve.

This order disposes of doc. 132, Defendant's pro se motion to reduce his sentence, and doc. 136, his counseled motion.

Except as provided above, all provisions of the judgment dated Jan. 3, 2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 12, 2008


Judge's signature

Effective Date: _____
(if different from order date)

William W. Caldwell, United States District Judge
Printed name and title